

AUG 27 2012

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA,	)	
	)	Criminal No. 7:10cr00070-4
	)	
v.	)	<u>2255 MEMORANDUM OPINION</u>
	)	
PATRICK CLEOFOSTER JONES, II.	)	By: Samuel G. Wilson
	)	United States District Judge

Petitioner, Patrick Cleofoster Jones, II, a federal inmate proceeding *pro se*, filed a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, challenging his 2011 conviction and sentence. Upon review of the record, the court finds that Jones' instant § 2255 motion must be dismissed as an unauthorized successive motion.

I.

Jones challenges his 125-month sentence for conspiring to distribute more than 100 grams of heroin, in violation of 21 U.S.C. § 846. Court records indicate that Jones previously filed a § 2255 motion regarding the same conviction and sentence which this court denied. See Docket Nos. 112, 122, and 123. This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). As Jones has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, the court must dismiss his petition as successive.<sup>1</sup>

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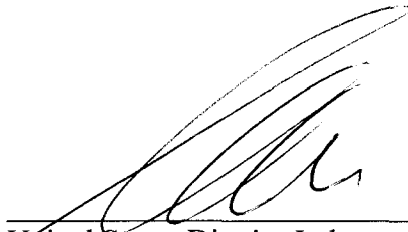
<sup>1</sup> Petitioner is hereby advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. Petitioner must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. See 28 U.S.C. § 2244 (as amended, 1996). A Fourth Circuit form and instructions for filing this motion will be included with this notice or are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.

**II.**

For the reasons stated, the court dismisses Jones' motion as a successive § 2255 motion.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

**ENTER:** This 27<sup>th</sup> day of August, 2012.

  
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United States District Judge